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February 3, 2006

Mr. Mark DiNunzio
Manager, Regulatory Affairs
Cox Arizona Telecom, LLC
1550 W. Deer Valley Rd., MS-DV3-16, Bldg. C
Phoenix, AZ 85027

Re: Release of emails in the Matter of the Formal Complaint of Accipiter Communications, Inc. Against Vistancia Communications, L.L.C., Shea Sunbelt Pleasant Point, L.L.C., and Cox Arizona Telecom, L.L.C; Docket No. T-03471A-05-0064.

Dear Mr. DiNunzio:

As I stated in today's procedural conference, I would like your Company to consent to the disclosure of the confidential information provided pursuant to the Protective Agreement signed by the parties on April 25, 2005.

The emails I am requesting immediate disclosure of are listed below by their Bates numbers:

C01773
C01769
C01770
C02984
C00001
C00002
C00004
C00005
C000010
C00307
C00626
C01253
C01254
C01256
C01261
C01372
C01384
C01388
C01636

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C01776
C01784
C01853
C02253

As you know, Staff has argued that these emails show a high level of involvement by Cox in the development of the private easement and that their actions may represent anti-competitive behavior. Given the gravamen of these allegations and the unusual nature of this case, I believe that these emails should be made public. They are essential to the conduct of the upcoming hearing in this case and the public has the right to examine them.

As I have not yet had the opportunity to review the entirety of Cox's confidential disclosures, please consider this to be only a partial request. As I discover additional emails and documents that I believe should be disclosed I will notify the parties.

Your attorney agreed to respond to my request for disclosure by Friday, February 10, and I look forward to receiving that reply.

Thank you for your prompt attention to this matter.

Sincerely,



Kris Mayes
Commissioner

Cc: Chairman Jeff Hatch-Miller
Commissioner Marc Spitzer
Commissioner William Mundell
Commissioner Mike Gleason
Ernest Johnson
Stephen Ahearn
Brian McNeil
Heather Murphy
Michael W. Patten
Michael Grant
Docket